IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Bail Appl..No. 467 of 2007()

CC.473/2005 of J.M.F.C.-II,PERINTHALMANNA

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PETITIONER/ACCUSED :

SHOUKATHALI, S/O. HAMSA,
THANKAYATHIL HOUSE, VALAMBUR AMSOM,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS:

STATE OF KERALA, THROUGH SUB INSPECTOR,
PERINTHALMANNA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-01-2007 THE COURT ON 22/01/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 467 of 2007

DATED: 22nd January, 2007

O R D E R

Petitioner who is the accused in Crime No.441/2005 of Perinthalmanna Police Station for offences punishable under Secs. 353, 323 and 506(1) I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M.- II, Perinthalmanna in C.C. 473/05 on 19-09-2006 and the rejection of the application filed on his behalf to excuse his absence, the learned magistrate issued non-bailable warrants of arrest against the the accused and the same is pending. Anticipatory bail cannot be issued to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail on 25-01-2007 the Magistrate shall enlarge the petitioner on fresh bail on appropriate conditions.

With the above observation this application is disposed of.

V.RAMKUMAR, JUDGE.

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